

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3:08cr326</b>
	)	
<b>JUSTIN EUGENE TAYLOR,</b>	)	
<b>Defendant</b>	)	

**MR. TAYLOR’S POSITION THAT CORRECTED JUDGMENT IS APPROPRIATE**

Justin Taylor, through counsel and in response to the Court’s Order in ECF No. 100, files the following position requesting that this Court enter a corrected judgment in this case:

1. Mr. Taylor was initially convicted in this case of conspiracy to commit Hobbs Act robbery in violation of 18 U.S.C. § 1951 as set forth in Count Five, and using and carrying a firearm in furtherance of either conspiracy to commit Hobbs Act robbery or attempted Hobbs Act robbery in violation of 18 U.S.C. § 924(c) as set forth in Count Seven. *See* ECF Nos. 17 and 44.
2. After *Johnson v. United States*, 576 U.S. 591 (2015), Mr. Taylor was permitted to file a second or successive petition under 28 U.S.C. § 2255 challenging his § 924(c) conviction in Count Seven in light of *Johnson*. *See United States v. Taylor*, 979 F.3d 203, 206 (4th Cir. 2020). Upon reviewing an appeal of the denial of Mr. Taylor’s § 2255 motion challenging his § 924(c) conviction, on October 14, 2020, the Fourth Circuit vacated Mr. Taylor’s § 924(c) conviction and remanded the case for resentencing consistent with the Fourth Circuit’s opinion. *Id.* at 210. The mandate for the Fourth Circuit’s decision issued on December 21, 2020.

3. The Supreme Court affirmed the judgment of the Court of Appeals on June 21, 2022. *See United States v. Taylor*, 142 S. Ct. 2015, 2026 (2022).
4. On July 5, 2022, this Court entered an Order directing the parties to take positions on whether a resentencing is appropriate in this case or whether the parties preferred the Court to issue a corrected judgment. *See* ECF No. 110.
5. The parties have conferred and agree that this Court should issue a corrected judgment in this case rather than hold a resentencing hearing. The Court's July 5, 2022, Order directs the parties to propose the judgment jointly. *Id.*
6. In other similar cases in which a conviction has been vacated after a successful § 2255 motion, the Court has issued an amended judgment using the Court's standard judgment form. *See, e.g., United States v. McCall*, 3:10cr170, ECF No. 1203 (E.D. Va. Oct. 29, 2019) (amended judgment after a successful § 2255 motion vacated a conviction). The parties do not have access to the Court's standard judgment form, but have conferred and agree that the original judgment in this case, *see* ECF No. 44, should be amended as follows:
  - a. On page 1 of ECF No. 44, the following changes should be made:
    - i. The title of the document should be "Amended Judgment in a Criminal Case."
    - ii. The Court should insert the following text: "The defendant's conviction and sentence on Count 7 were vacated by the Fourth Circuit on October 14, 2020, pursuant to the appeal of his 28 U.S.C. § 2255 motion." after the sentence: "The defendant pleaded guilty to Count(s) 5 and 7 of the Second Superseding Indictment."

- iii. The following sentence then needs to be edited to say, “The defendant is adjudicated guilty of this offense.”
  - iv. Under the Title and Section/Nature of Offense/Offense Class/Offense Ended/Count section, the blocks of text relating to Count 7 should be removed.
- b. On page 3 of ECF No. 44, the following change should be made:
    - i. Strike all other language in the first paragraph of that page after “TWO HUNDRED and FORTY (240) MONTHS ON COUNT 5.”
  - c. On page 4 of ECF No. 44, the following change should be made:
    - i. Strike all other language from the first sentence on that page after “THREE (3) YEARS ON COUNT 5.”
  - d. On page 6 of ECF No. 44, the following change should be made:
    - i. The count for the special assessment should be amended from “1” to “5.”
7. Undersigned counsel understands that the government intends to review this pleading once filed and submit a pleading of its own adopting the proposed changes herein.

Thus, Mr. Taylor files the above position requesting that this Court enter a corrected judgment in this case.

Respectfully submitted,  
JUSTIN EUGENE TAYLOR

By:                     /s/                      
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